

**SAUL EWING
ARNSTEIN
& LEHR LLP**

Application DENIED. This district is configured differently from others in which counsel may regularly practice. The Court may order a mediation on a set date before a mediator - in this case December 17 - but will not order a Magistrate Judge to re-arrange her calendar.

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In Manhattan, we have 11 Magistrate Judges for 36 District Judges. Magistrate Judges do not have the luxury afforded to others of multiple settlement sessions.

SO ORDERED.

Dated: 11/25/2019

November 21, 2019



P. Kevin Castel

Hon. P. Kevin Castel

United States District Judge

U.S. District Court for the Southern District of New York

Daniel Patrick Moynihan

United States Courthouse

500 Pearl St.

New York, NY 10007

Re: *Hai v. First Data Corporation, et. al.* (Case No. 1:19-cv-8332-PKC)
Joint Request for Referral to a Magistrate Judge for Purposes of Settlement

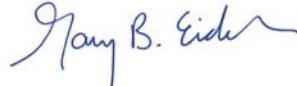
Dear Judge Castel:

This Firm represents the Defendants in the above-referenced matter, and we are authorized by Plaintiff to submit this joint letter. Pursuant to I(A)(ii) of the Court's Individual Practices, the next scheduled conference is March 18, 2020 at 12:00 pm.

The Court asked the parties to submit whether they would agree to an early settlement conference in this matter. In Defendants' letter that was faxed to the Court on November 15, 2019, Defendants requested referral to a Magistrate Judge. On November 18, the Court referred this matter to mediation pursuant to the Mediation Program for the Southern District of New York (ECF No. 23). After receiving notice that the matter had been referred to an external mediator, the Parties conferred and agree that given the sensitivities of this matter, the prospects of an early settlement would be greatly enhanced by assignment to a Magistrate Judge. Accordingly, the Parties respectfully request that the Court reconsider the mediation assignment and order that this case be referred to a Magistrate Judge for purposes of conducting a settlement conference.

Thank you for your consideration and attention to this matter.

Respectfully submitted,



Gary B. Eidelman (admitted *pro hac vice*)

cc: All counsel (via ECF)

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